

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

THE STATE OF NORTH DAKOTA, *et al.*,

Plaintiffs,

v.

THE UNITED STATES DEPARTMENT OF
INTERIOR, *et al.*,

Defendants.

No. 1:24-cv-124-DMT-CRH

**DEFENDANTS' MOTION FOR LEAVE
TO FILE A NOTICE REGARDING
DEVELOPMENTS IN A RELATED
CASE**

Pursuant to District of North Dakota Civil Local Rule 7.1(C), Defendants U.S. Department of the Interior *et al.* respectfully submit this Motion for Leave to File a Notice Regarding Developments in a Related case. Under the Local Rules of this Court, a party must obtain permission from the Court to file additional materials after briefing of a motion has been completed. *See* D.N.D. Civ. L. R. 7.1(C) (“Parties must serve and file a motion to obtain leave of court to submit any additional filings.”); *see also Pharm. Care Mgmt. Ass’n v. Tufte*, 326 F.Supp.3d 873, 878 (D.N.D. 2018) (noting that party filed notice of a supplemental authority “[w]ith the Court’s permission”). Defendants wish to submit the attached notice regarding developments in the related case in the District of Wyoming challenging the Conservation and Landscape Health Final Rule, 89 Fed. Reg. 40,308 (May 9, 2024) (the “Rule” or “Public Lands Rule”). Those developments are relevant to Defendants’ Motion to Transfer this Case to the U.S. District Court for the District of Utah (“Motion to Transfer”), ECF No. 5. For the reasons stated below, good cause exists to grant this Motion.

Defendants’ brief in support of the Motion to Transfer informed the Court that there were, at the time, three cases challenging the Public Lands Rule: the first was filed in the District

of Utah, the second was filed in this District, and the third was filed in the District of Wyoming. *See* Defs.' Mem. in Supp. of Mot. to Transfer at 3 & n.1, ECF No. 5-1.¹ Defendants informed the Court that they intended to also move to transfer the District of Wyoming case to the District of Utah so that all three cases could be heard together in front of one court. *See* Defs.' Reply in Supp. of Mot. to Transfer at 4, ECF No. 7. Defendants now wish to inform the Court that they have filed a motion to transfer in the Wyoming case and that the plaintiffs in that case have consented to transfer and have filed a statement consenting to transfer. Because the motion is unopposed, Defendants anticipate that the motion will be granted, meaning that two of the cases challenging the Public Lands Rule will be handled by the same judge in the District of Utah.

Accordingly, Defendants respectfully submit that there is good cause for the Court to grant this motion for leave and to permit Defendants to file the attached Notice Regarding Developments in a Related Case.

Respectfully submitted this 9th day of September 2024.

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¹ The State of Alaska has since filed a fourth case in the District of Alaska. *See* Plaintiffs' Notice of Related Case, ECF No. 10.

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